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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Fourteenth session
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Item 8 of the provisional agenda*

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

Report by the Secretariat

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I. INTRODUCTION

1. The present report has been prepared in response to the decision taken by the Committee at its twelfth session that the Secretariat should prepare every year, as a pre-session document, a report on ways and means of improving the work of the Committee, 1/ which should contain all the information that the Secretariat believes necessary for the consideration of the item, arising from the Secretariat's experience from the previous year, the comments made by members to the Secretariat, or developments elsewhere in the human rights regime. It should also contain a list of States parties whose reports could be considered at the subsequent session according to geographical representation and the order of receipt.

2. The present report contains the required information, and information on matters relating to the work of the Committee carried over from the previous session. With a view to consolidating material into a single report, it also contains a draft provisional agenda for the fifteenth session of the Committee.

II. REVIEW OF THE RULES OF PROCEDURE

3. Subsequent to the decision taken at its twelfth session to review the rules of procedure adopted at the first session to adjust them to current procedures, 2/ the Committee at its thirteenth session requested the Secretariat to prepare draft amended rules, 3/ which are contained in annex I to the present report. The proposals address existing rules that need to be changed and make suggestions about possible new rules that would seem desirable in the light of the Committee's current practices.

A. Rules that require change

4. The existing rules that need to be changed to adapt them to the Committee's current practices include those concerning duration of sessions (rule 1), to provide for additional meeting time; dates of sessions (rule 2), to ensure that the findings of the Committee can be presented to the Commission on the Status of Women during the same year; place of sessions (rule 3); and the pre-session working group (proposed new rule 4 bis). Other changes refer to the provisional agenda (rule 5), which in recent years has been adopted before the end of a session for the following session; the practice of geographical representation for the officers of the Committee and the members of the pre-session working group (proposed rules 4 bis and 50); and the eligibility for re-election of members of the Committee (rule 8), if they have been renominated.

5. Amended rules 19 and 21 reflect the decision taken by the Committee at its second session to include Arabic among the working languages of the Committee. 4/

6. The draft amendment also reflects the current responsibilities of the Chairperson (rule 24, new para. 2).

7. In order to reflect the Committee's actual work and also with a view to bringing the rules of procedure into line with those of other human rights treaty bodies, it is proposed to amend the title of section X to read "Functions of the Committee". The Secretariat noted that rule 46 did not reflect the process of consideration of reports of States parties. The proposed new rule 46 would reflect the Committee's tasks pursuant to article 18 of the Convention, namely, the consideration of reports of States parties and the issuance of general guidelines for facilitating the reporting task of States parties. It would also provide governments with the possibility of submitting additional information, up to a certain deadline, and of combining highly overdue periodic reports. Paragraph 3 of the rule is based on paragraph 1 of existing rule 48. Paragraph 5 reflects the Committee's practice of considering combined reports pursuant to the decision taken at its tenth session to allow States parties whose reports were overdue to submit a combined report. 5/ The last paragraph of rule 46 reflects the decision taken by the Committee at its twelfth session to request a State party, where the situation so warranted, to submit a report on an exceptional basis, 6/ if such a request was based on alleged grave violations of the rights of women in that country.

8. The proposed new paragraph 2 of rule 22 and new rule 48 bis reflect the Committee's recent practice, in line with other human rights treaty bodies, of preparing and adopting concluding comments on the reports of States parties before the closure of the session at which those reports have been considered, and of including the comments in the report of the Committee. The comments refer to reports of States parties with a view to assisting States in fulfilling their reporting obligations, by highlighting the most important points raised during the constructive dialogue, and by identifying particular areas of progress and issues of concern that the Committee wishes the State party to report on in its next periodic report.

9. The proposed text of paragraph 2 of rule 49 sets out the procedure to be followed for inviting States parties to send a representative for introducing their reports. Paragraph 3 provides for the possibility of establishing a reserve list of States parties whose reports could be considered.

10. Rule 50, on the working methods of the Committee, refers to the two standing working groups and the pre-session working group.

11. In rule 53, the proposed new paragraph 2 specifies what the Committee has been considering as its official documents, namely, the reports on its sessions, the reports of States parties, the summary records and the pre-session documents that are for general distribution.

B. Suggestions regarding possible new rules

12. It is proposed that the text of some of the rules be changed to reflect the Committee's practice. One proposed change refers to the term of office (rule 8). Instead of maintaining 16 April as the date on which the term of office of new members begins (because 16 April 1982 was the date of the first elections), it is suggested that the term of office of members should begin on

the day following their election by the meeting of States parties and expire on the day of new elections.

13. Another suggested change relates to the occurrence and the filling of casual vacancies (proposed rules 9 and 9 bis). It reflects the practice of other human rights treaty bodies in observance of the provisions of article 17 of the Convention.

14. The proposed text of rule 48 reflects the Committee's practice with regard to the adoption of general recommendations pursuant to article 21 of the Convention. It also defines the Committee's role in making suggestions addressed to bodies other than States parties, such as world conferences. As the Secretariat had noted that the provisions of article 21 of the Convention, and of rule 45, had not been adhered to in respect of comments from States parties on general recommendations, it proposes the wording of paragraph 3 of new rule 48 in order to conform to the provisions of the Convention. The Secretariat recommends that suggestions and general recommendations, upon their adoption by the Committee, be transmitted to States parties for comments, which would be annexed to the report of the Committee.

15. It is proposed to combine rules 51 and 52 into one rule 51 under the heading "Participation of specialized agencies". The text reflects the current practice of issuing reports of specialized agencies as pre-session documents. The provisions of paragraph 2 would allow representatives of the specialized agencies to make oral statements, as is the practice in other human rights treaty bodies. The Convention on the Rights of the Child, for instance, expressly provides that the Committee on the Rights of the Child may invite the specialized agencies and other competent bodies to provide it with expert advice, where appropriate. Representatives of the specialized agencies are allocated a period of time during the Committee's session in which to provide the Committee with observations relevant to the reports under consideration.

16. In the light of the wish expressed by the persons chairing the human rights treaty bodies to receive information also from non-governmental organizations and as it is the Committee's current practice to make use of such information, proposed new rule 52 would encourage those organizations to provide materials to the members of the Committee. It should be pointed out that other treaty bodies, such as the Committee on Economic, Social and Cultural Rights 7/ and to a certain extent the Committee on the Rights of the Child, have taken steps to increase the participation of non-governmental organizations in the reporting process and other aspects of their work, and have set aside time for them to make oral statements during the regular sessions. The Committee on Economic, Social and Cultural Rights also receives oral and written submissions from non-governmental organizations for its pre-session working group. In addition, the persons chairing the human rights treaty bodies, at their 5th meeting, recommended that non-governmental organizations be given the right to make oral interventions. 8/ Consequently, the Committee could also take steps to allow non-governmental organizations to become more involved in its work and set aside speaking time for them.

III. REVIEW OF THE GENERAL GUIDELINES

17. Following discussions, at the 2nd meeting of persons chairing the human rights treaty bodies, on the possibility of consolidating the various reporting guidelines governing the initial part of each State party's report, 9/ the Committee made comments which were incorporated into the draft consolidated guidelines. Subsequently, a draft text of such consolidated guidelines was submitted by the Secretariat to the Committee at its ninth session. The Committee, however, lacked time to take a decision on the amended guidelines.

18. Annex II to the present document contains draft amended guidelines. Proposed paragraph 3 refers to the consolidated guidelines that should permit States parties to avoid repeating the general information, which should be included in part I of each State party's report, for each treaty body. The consolidated guidelines contained in document HRI/CORE/1, covering part I of the States parties' reports, are common to all the other human rights treaty bodies.

19. The proposed addition to paragraph 5 is based on a suggestion made by the Committee at its ninth session to the effect that data should also be requested on maternal mortality, fertility rates, percentage of the population under 15 and over 65, percentage of the population in rural and in urban areas, and percentage of households headed by women 10/ Furthermore, the Committee requested States parties to make efforts to provide all data disaggregated by sex, in conformity with its general recommendation 9. 11/

20. The proposed addition to paragraph 6 reflects the technical and financial possibilities of the Secretariat and its practice in respect of other human rights treaty bodies.

21. The text of proposed paragraph 8 bis reflects the Committee's practice in accordance with article 18 of the Convention.

22. The wording of proposed paragraph 9 is the result of the Committee's decision, at its thirteenth session, to amend the guidelines for the preparation of periodic reports. 12/

IV. RESERVATIONS

23. The Committee has on a number of occasions considered the question of reservations to the Convention. At its eleventh session it adopted general recommendation 20 on the subject. 13/ At its thirteenth session, the Committee discussed the question at length and, acting on the recommendation of the World Conference on Human Rights, 14/ decided to bring again to the attention of the States parties the seriousness with which it considered the problem of reservations, and to have that concern conveyed to the 7th meeting of the States parties. 12/

24. Also at its thirteenth session, the Committee decided to amend the guidelines for the preparation of initial and subsequent periodic reports, to include a section indicating how States parties which have filed reservations should report on them.

25. Pursuant to the request made by the Committee at its thirteenth session, a letter was sent to the States parties that had entered substantive reservations drawing their attention to the Committee's concern.

26. The Economic and Social Council, in its resolution 1994/7 of 21 July 1994, encouraged States to consider limiting the extent of any reservation lodged to the Convention, to formulate reservations as precisely and as narrowly as possible, to ensure that no reservation was incompatible with the object and purpose of the Convention and to review their reservations regularly with a view to withdrawing them expeditiously.

27. The persons chairing the human rights treaty bodies, at their 5th meeting, took the view that treaty bodies should be insistent in seeking explanations from States parties regarding the reasons for making reservations to the human rights treaties. It also recommended to the treaty bodies to state clearly that certain reservations were incompatible with treaty law. 15/

28. In accordance with the request made by the Committee at its thirteenth session, the Secretariat analysed all the reservations made by States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the other human rights treaties.

29. Article 2 (d) of the Vienna Convention on the Law of Treaties defines a reservation as a "unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty whereby it purports to exclude or to modify the legal effects of certain provisions of the treaty in their application to that State". Consequently, although some States made declarations to the effect that they did not consider themselves bound by certain provisions of the Convention, those declarations have been counted as reservations when their substance meets the definition set out in the Vienna Convention.

30. On a number of occasions, it has been asserted that the Convention on the Elimination of All Forms of Discrimination against Women is the human rights instrument having the largest number of reservations. The analysis sought to determine the accuracy of this assertion. On the basis of a crude count, the Convention would indeed appear to be the human rights instrument having the largest number of reservation filed by the largest proportion of States parties. A total of 116 reservations have been lodged by 41 States parties, constituting 30 per cent of the parties to the Convention (see annex III, tables 1 and 3). By comparison, the Convention on the Rights of the Child has had 78 reservations filed by 35 States parties, comprising 22 per cent of the States parties to that Convention. Twenty-five countries entered 35 reservations to the International Convention on the Elimination of All Forms of Racial Discrimination; 24 countries filed in all 84 reservations to the International Covenant on Civil and Political Rights. In the case of the International Covenant on Economic, Social and Cultural Rights 15 States parties filed reservations to 26 provisions, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has had 22 reservations entered by 15 countries.

31. However, an examination of the substantive reservations filed by States parties to the same legal instruments, leaving aside reservations entered regarding the provisions governing the settlement of disputes and implementation mechanisms, provides a different picture.

32. The crude statistical comparison between the various human rights instruments is to a certain extent distorted by the structure of the conventions themselves. The high number of substantive reservations entered with regard to the Convention on the Elimination of All Forms of Discrimination against Women is in part explained by the fact that many articles of the Convention have many paragraphs or subparagraphs that are very specific and address very precise issues. Reservations entered to subparagraphs have been counted as individual reservations. This is the case, for example, for reservations lodged with regard to article 2, subparagraphs (a), (f) and (g), article 11, subparagraphs 1 (b), (d) and (f) and paragraph 2, and article 16, subparagraphs 1 (a), (c), (d), (e), (f), (g) and (h) and paragraph 2.

33. Some States parties filed more than one reservation to the Convention on the Elimination of All Forms of Discrimination against Women (up to seven reservations each). The same applies to the other treaties. One State entered 10 reservations to several articles of the International Covenant on Economic, Social and Cultural Rights and 13 to the International Covenant on Civil and Political Rights and two other States filed nine reservations each to the International Covenant on Economic, Social and Cultural Rights.

34. For the purposes of this analysis, the following three categories of reservations have been counted as substantive reservations:

(a) The "general" reservations, which do not refer to specific articles of the Convention; they are usually pronounced with regard to the Convention as such, and are directed at the scope of the whole Convention. Some States parties reserve their rights on the grounds of their own religious or legal systems and, in so doing, put in question the whole Convention. These are the reservations that the Committee considers to be incompatible with the object and the purpose of the Convention;

(b) Reservations to "core" articles of the instruments, namely, the articles that could be considered as constituting the heart of each of the treaties. In the case of the Convention on the Elimination of All Forms of Discrimination against Women, they are articles 1 to 3. They refer mainly to the policy to be followed for achieving the goals of an international instrument, to the constitution and all the national laws and they define the appropriate measures in all fields for carrying out the policies to be adopted;

(c) Reservations to substantive articles, which are those articles relating to different areas and sub-areas of human rights, that concern the exercise of certain duties and the provision of different means towards achieving the goal of - in the present case - elimination of all forms of discrimination against women. In the case of the Convention on the Elimination of All Forms of Discrimination against Women they are articles 4 to 16.

35. An accurate comparison of reservations to the various human rights instruments should examine these three categories of substantive reservations separately.

36. The Convention on the Elimination of All Forms of Discrimination against Women does not have the largest number of general reservations. Only 4 States parties filed general reservations, whereas 11 States parties entered such reservations to the Convention on the Rights of the Child and 3 to the International Convention on the Elimination of All forms of Racial Discrimination (see annex III, tables 1 and 3).

37. However, the comparison between the different human rights instruments shows that more States reserved their rights regarding the core articles of the Convention on the Elimination of All Forms of Discrimination against Women than those of any of the other treaties. Six States parties entered eight reservations on the grounds of articles 1 to 3 (see annex III, tables 1 and 3), as compared with four countries entering four reservations regarding the Convention on the Rights of the Child. For the other treaties the numbers are even lower: three States parties have filed four reservations to core articles of the International Covenant on Civil and Political Rights, one State party entered three such reservations to the International Convention on the Elimination of All Forms of Racial Discrimination and one State party lodged one reservation to the International Covenant on Economic, Social and Cultural Rights (see annex III, tables 1 and 3).

38. The Convention does not have the largest number of States filing reservations to specific substantive articles. The Convention on the Rights of the Child has the largest number, a total of 30 States having entered 63 reservations, compared with 27 States that lodged a total of 77 reservations to the Convention on the Elimination of All Forms of Discrimination against Women. Twenty-four States parties entered 80 reservations to the International Covenant on Civil and Political Rights, and 25 reservations were entered by 14 States to specific articles of the International Covenant on Economic, Social and Cultural Rights. Only four States entered a total of nine reservations to the substantive articles of International Convention on the Elimination of All Forms of Racial Discrimination, and one State entered one such reservation to the Convention against Torture (see annex III, tables 1 and 3).

39. The Convention has the highest number of reservations, compared to other instruments, in terms of preservations to the provisions referring to the settlement of disputes between two or more States parties concerning the interpretation or application of the Convention or other international treaties and the implementation mechanisms. Twenty-seven States entered reservations to article 29, which increased the total number of reservations made to the whole Convention. There are 21 reservations (to the Convention against Torture and 20 to the International Convention on the Elimination of All Forms of Racial Discrimination. There are no similar reservations in relation to the International Covenant on Civil and Political Rights (see annex III, tables 1 and 3). It should be noted that neither the Convention on the Rights of the Child nor the International Covenant on Economic, Social and Cultural Rights contains any provisions relating to dispute settlement. As regards the Convention on the Elimination of All Forms of Discrimination against Women,

eight States parties have withdrawn their reservations to article 29. In the case of the Convention against Torture, eight States withdrew 10 reservations to the provisions covering the settlement of disputes, and 7 such reservations to the International Convention on the Elimination of All Forms of Racial Discrimination were also withdrawn (see annex III, tables 2 and 4).

40. It seems that the many observations, recommendations and comments made by several policy-making organs of the United Nations, and by the treaty bodies themselves and the persons chairing them, have had positive results in the case of the Convention on the Elimination of All Forms of Discrimination against Women, which has registered the largest number of withdrawals, whereas no State has withdrawn its reservations to the Convention on the Rights of the Child. The Convention on the Elimination of All Forms of Discrimination against Women is the only treaty to which a general reservation has been withdrawn (see annex III, tables 2 and 4).

41. As far as reservations to core articles are concerned, only the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the Convention against Torture registered withdrawals (see article III, tables 2 and 4).

42. Regarding the substantive articles, the Convention on the Elimination of All Forms of Discrimination against Women has registered most of the withdrawals: six States parties withdrew 13 reservations. Other instruments in relation to which withdrawals have been registered are the International Covenant on Civil and Political Rights (four States parties withdrew 11 reservations), the International Covenant on Economic, Social and Cultural Rights (two withdrawals) and the International Convention on the Elimination of All Forms of Racial Discrimination (one withdrawal) (see annex III, tables 2 and 4).

43. Considering the total number of substantive reservations made (so-called general reservations, reservations to core articles and reservations to substantive articles), it appears that 35 States parties filed 78 reservations to the Convention on the Rights of the Child and that 29 reserved their rights on 89 substantive provisions of the Convention on the Elimination of All Forms of Discrimination against Women. Twenty-four States lodged 84 substantive reservations to the International Covenant on Civil and Political Rights, and 15 States 26 such reservations to the International Covenant on Economic, Social and Cultural Rights. Six States entered in total 15 substantive reservations to the International Convention on the Elimination of All Forms of Racial Discrimination and one State lodged one substantive reservation to the Convention against Torture (see annex III, tables 1 and 3).

44. It is to be hoped that the reporting guidelines, once amended to include a paragraph relating to reservations (see annex II), will encourage States parties to reconsider the reservations entered.

V. OPTIONAL PROTOCOL

45. One way of enhancing the effectiveness of a convention is to create a means of petition for individuals and groups alleging violations of its provisions, through the use of an optional protocol.

46. Taking note of the recommendation of the World Conference on Human Rights that new procedures should be adopted to strengthen the implementation of the commitment to women's equality and that the possibility of introducing the right of petition through the preparation of an optional protocol be examined, 16/ the Committee, in its suggestion 5, had proposed that an expert group meeting should be convened to discuss the issue. 17/ On the recommendation of the Commission on the Status of Women, the Economic and Social Council, in its resolution 1994/7, decided that the Commission should examine at its thirty-ninth session, in cooperation with the Committee on the Elimination of Discrimination against Women and taking into account the results of any governmental expert meeting on the question that might be convened prior to that session, the feasibility of introducing the right of petition through the preparation of an optional protocol. In the course of 1994, no governmental meeting has been convened on the subject.

47. Should an optional protocol be adopted, it would certainly increase the amount of time required for the Committee to consider petitions presented by individual plaintiffs and it would also place additional demands on secretariat time and resources.

VI. ADVISORY SERVICES

48. The General Assembly, in its resolution 47/94 of 16 December 1992, welcomed the initiatives taken to provide regional training courses on the preparation and drafting of reports of States parties. Furthermore, the persons chairing the human rights treaty bodies recognized at their 4th meeting, in 1992, that it was essential for advisory services to be provided wherever possible in order to assist States to fulfil their human rights obligations. 18/ At their 5th meeting, in 1994, they urged States parties with overdue reports to request the assistance of the advisory services programme. 19/

49. The Committee at its tenth session had endorsed the steps being taken by the Secretariat to provide advisory services to States parties. 20/ However, although a component for advisory services was included in the programme budget for the biennium 1993-1994, no advisory services were provided during 1994 because funds from the regular United Nations programme of technical cooperation were not available to respond to those needs. Discussions are under way on organizing joint training activities with the Centre for Human Rights and a resource person from the Division for the Advancement of Women was designated to participate in the training programme on human rights reporting: national capacity strengthening, organized from 31 October 1994 to 25 November 1994 by the Centre for Human Rights and the International Training Centre of the International Labour Organization at Turin. Further collaboration will be programmed for 1995.

50. Many, although by no means all, of the countries with seriously overdue reports are small or least developed countries. Because they lack resources or a highly developed administrative infrastructure, they are likely to be in need of advisory services and technical support in order to fulfil their reporting obligations adequately or as well as possible under the circumstances.

51. The Secretariat has been receiving request from individual Governments for technical assistance in discharging their responsibilities under the Convention. Initial planning has been completed for a subregional training seminar for French-speaking countries in Africa that are not yet parties to the Convention; the seminar could be conducted once funding becomes available.

52. The subregions where training activities on the Convention have not yet been organized are Western Asia, Eastern Europe and North Africa. The United Nations has not yet organized training seminars for eastern and southern Asia or for English-speaking African countries, although training has been organized through bilateral and multilateral sources.

VII. COORDINATION AND COOPERATION WITH OTHER TREATY BODIES

53. At its thirteenth session, the Committee requested the Secretariat to report on cooperation and coordination between the Division for the Advancement of Women and the Centre for Human Rights. A commonly voiced concern among all the treaty bodies is the need to improve and maintain effective communication and dialogue and to coordinate their efforts with other policy-based organs and departments within the United Nations system that have related concerns, resources and areas of expertise.

54. During the course of the year, a series of discussion have been held between the Division for the Advancement of Women and the Centre for Human Rights with a view to harmonizing actions in support of the human rights treaty bodies. The Commission on the Status of Women, in its resolution 38/2 on mainstreaming women's human rights, emphasized the need to develop and enhance the role of focal points on women's human rights, both in the Centre for Human Rights and in the Division for the Advancement of Women, and to ensure cooperation and coordination between the two bodies on an ongoing basis; requested the Secretary-General to see to the preparation of a joint work plan on women's human rights for the Centre and the Division on an annual basis and to inform both the Commission on Human Rights and the Commission on the Status of Women at their annual sessions, beginning in 1995, of those plans; and to promote the mutual availability of documentation, as well as the development of a public information strategy; and encouraged the Division and the Centre to explore the possibilities of organizing training in women's human rights, inter alia, by exchange of personnel, so that human rights officers could be trained in women's rights issues and the personnel in the Division could be trained in general human rights matters. Steps are being taken by the respective Secretariat units to implement that resolution.

VIII. REPORTS TO BE CONSIDERED AT THE FIFTEENTH SESSION

55. The list of reports that have been submitted by States parties and are still awaiting consideration by the Committee appears in annex IV. The reports are listed in order of receipt.

IX. PROVISIONAL AGENDA FOR THE FIFTEENTH SESSION

56. A draft provisional agenda for the fifteenth session of the Committee is set out in annex V.

Notes

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), para. 632.

2/ Ibid., para. 633.

3/ Ibid., Forty-ninth Session, Supplement No. 38 (A/49/38), para. 811.

4/ Ibid., Forty-second Session, Supplement No. 45 (A/42/45), para. 18.

5/ Ibid., Forty-sixth Session, Supplement No. 38 (A/46/38), para. 370.

6/ Ibid., Forty-eighth Session, Supplement No. 38 (A/48/38), chap. I.B.

7/ See rule 69 of the rules of procedure of the Committee on Economic, Social and Cultural Rights (E/C.12/1990/4/Rev.1).

8/ A/49/537, para. 41.

9/ See A/44/98.

10/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38), para. 35.

11/ Ibid., Forty-fourth Session, Supplement No. 38 (A/44/38), chap. V.

12/ Ibid., Forty-ninth Session, Supplement No. 38 (A/49/38), chap. I.C.

13/ Ibid., Forty-seventh Session, Supplement No. 38 (A/47/38), chap. I.

14/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. II, para. 39.

15/ A/49/537, para. 30.

16/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. II, para. 40.

17/ See Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38 (A/49/38), chap. I.B.

18/ A/47/628, para. 76.

19/ A/49/537, para. 17.

20/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 38 (A/46/38), para. 372.

Annex I

DRAFT AMENDMENT TO THE RULES OF PROCEDURE OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

I. Sessions

Rule 1

Annual sessions

1. The first paragraph remains unchanged, including its footnote.

[New paragraph:]

2. Subject to the concurrence of the General Assembly, the Committee may request additional meeting time in order to allow it to discharge fully its responsibilities under the Convention.

Rule 2

Dates

1. At the end of the first paragraph, insert:

, and so as to allow for a timely transmission of the results of the Committee's work, in the same year, to the Commission on the Status of Women, for information.

2. The second paragraph remains unchanged.

Rule 3

Place of sessions

1. The sessions of the Committee shall normally be held at United Nations Headquarters.

2. The Committee may, in consultation with the Secretary-General, decide to hold sessions at any other convenient place, provided that no additional costs are incurred by the United Nations.

Rule 4

Notification

Text remains unchanged.

Rule 4 bis

Pre-session working group

Each session shall be preceded by meetings of a pre-session working group, which shall prepare questions to be put to States parties during the consideration of their second or subsequent periodic reports.

II. Agenda

Rule 5

Provisional agenda

1. The provisional agenda for the subsequent session shall be adopted by the Committee before the end of each session, and shall include a listing of all pre-session documents to be prepared by the Secretariat.

2. At the end of paragraph 2 (c), add:

, subject to the concurrence of the Chairperson.

Rules 6 and 7

Text remains unchanged.

III. Members of the Committee

Rule 8

[New text:]

Term of office

1. The term of office of the members of the Committee shall begin on the day following their election by the meeting of States parties and shall be for four years. It expires on the day of the subsequent election.

2. Members shall be eligible for re-election, if renominated.

Rule 9

[New text:]

Casual vacancies

1. A casual vacancy may occur through death, disability or resignation of a member of the Committee. The Secretary-General shall be notified of such an

event, whereupon the Secretary-General shall declare the seat vacant from the date of death or disability or the date on which the resignation takes effect.

2. The resignation of a member of the Committee shall be notified in writing directly to the Chairperson or to the Secretary-General and action shall be taken to declare the seat vacant only after such notification has been received.

Rule 9 bis

Filling of casual vacancies

1. When a casual vacancy occurs in the Committee, the Secretary-General shall immediately request the State party that had nominated that member to appoint, within two months, another expert from among its nationals to serve for the remainder of the predecessor's term.

2. The name and the curriculum vitae of the expert so appointed shall be transmitted by the Secretary-General to the Committee for approval. Upon approval of the expert by the Committee, the Secretary-General shall notify the States parties of the name of the member of the Committee filling a casual vacancy.

3. The member thus approved shall hold office for the remainder of the term of the member whose seat on the Committee has become vacant.

Rules 10 to 12

Text remains unchanged.

IV. Officers

Rule 13

Election

At the end of the sentence, add:

, bearing in mind the principle of equitable geographical distribution.

Rule 14

Term of office

After the existing text, add:

No person who ceases to be a member of the Committee may hold office.

Rules 15 and 16

Text remains unchanged.

V. Secretariat

Rules 17 and 18

Text remains unchanged.

VI. Languages

Rule 19

Official and working languages

Arabic, Chinese, English, French, Russian and Spanish shall be the official working languages of the Committee.

Rule 20

Interpretation

Text remains unchanged.

Rule 21

Languages of documents

1. All official documents of the Committee shall be issued in the official and working languages.

2. All formal decisions of the Committee shall be made available in the official and working languages.

VII. Conduct of business

Rule 22

1. The first paragraph remains unchanged.

[New paragraph:]

2. Meetings at which concluding comments referring to reports of States parties are discussed shall be closed.

Rule 23

Text remains unchanged.

Rule 24

1. The first paragraph remains unchanged.

[New paragraph:]

2. The Chairperson shall represent the Committee at the meetings of persons chairing the human rights treaty bodies and other United Nations meetings in which the Committee is officially invited to participate. If the Chairperson is unable to attend, the Chairperson may designate a Vice-Chairperson or another member of the Committee to participate instead.

3. Former paragraph 2 becomes paragraph 3.

Rules 25 to 35

Text remains unchanged.

VIII. Voting

Rules 36 to 43

Text remains unchanged.

IX. Records and reports

Rules 44 and 45

Text remains unchanged.

X. Functions of the Committee

Rule 46

[New text:]

Consideration of reports of States parties

1. The Committee shall examine the progress made in the implementation of the Convention through consideration of reports of States parties on legislative, judicial, administrative and other measures, submitted to the Secretary-General.

2. In order to assist States parties in their reporting task the Committee shall issue general guidelines for the preparation of initial reports and of subsequent periodic reports, taking into account the consolidated guidelines, common to all the human rights treaty bodies, for the first part of initial and subsequent periodic reports of States parties.

3. Should the Committee find that its work is likely to be substantially improved by additional information provided by a State party concerning its report, the Committee may invite the State concerned to provide it with such additional information.

4. A State party which has been invited to report at a session of the Committee may provide additional information prior to the consideration of the report by the Committee, provided that such information reaches the Secretary-General no later than four and a half months prior to the opening date of the session during which the report of the State party is to be considered.

5. The Committee may allow States parties with more than one overdue report to submit a combined report.

6. The Committee may, pursuant to article 18 of the Convention, request a State party to submit a report on an exceptional basis, if such a request is based on alleged grave violations of the rights of women in that State party.

Rule 47

Non-receipt of reports

Text remains unchanged.

Rule 48

[New text:]

Suggestions and general recommendations

1. On the basis of its examination of reports and information received from States parties, the Committee may make general recommendations addressed to all States parties.

2. The Committee may make suggestions, arising out of its consideration of reports of States parties, which are addressed to bodies other than States parties.

3. The Secretary-General shall transmit the suggestions and general recommendations to States parties for their comments.

4. Suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States parties.

Rule 48 bis

Concluding comments

1. After its consideration of the reports of States parties, the Committee may make concluding comments on those reports, with a view to assisting States parties in the implementation of the Convention.

2. The concluding comments shall be adopted before the closure of the session of the Committee during which the reports of the State parties have been considered and shall be included in the report of the Committee.

Rule 49

Attendance by States parties

1. The first paragraph remains unchanged.

[New text:]

2. The Committee shall, through the Secretary-General, notify the States parties immediately following the session at which it had decided on the reports which it intends to consider at the subsequent session, of the opening date, duration and place of the session at which their reports will be examined. By that notification the States parties shall be invited to confirm in writing, no later than four and a half months prior to the opening date of the subsequent session, whether they are prepared to have their reports considered and to be present during the consideration.

3. Before the closure of each session, the Committee may establish a reserve list of States parties, which may be called upon in case any of the States parties that had been invited in the first place are unable to attend.

Rule 50

Working methods for examining report

1. The first paragraph remains unchanged.

[New text:]

2. For enhancing its work, the Committee shall establish working groups that shall consider and suggest ways and means of expediting its work and of implementing article 21 of the Convention.

3. The pre-session working group shall consist of no more than five members of the Committee. In the designation of its members, which shall normally be made at the previous session, consideration shall be given to equitable geographical distribution.

4. The meetings of the pre-session working group, and the meetings of the working groups during a session, shall be closed.

XI. Participation of specialized agencies

Delete the titles of rules 51 and 52.

[New text:]

Rule 51

1. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities. Such reports, if any, shall be issued as pre-session documents.

2. The specialized agencies shall be entitled to be represented at meetings of the Committee when the implementation of such provisions of the Convention as fall within the scope of their activities is being considered. The Committee may allow representatives of the specialized agencies to make oral statements.

3. The Secretary-General shall notify each specialized agency as early as possible of the opening date, duration, place and agenda of each session of the Committee.

[New text:]

XII. Non-governmental organizations

Rule 52

Non-governmental organizations are encouraged to provide information to the members of the Committee in conjunction with the consideration of the reports of States parties.

XIII. Distribution of documents

Rule 53

Text remains unchanged.

[New paragraph:]

2. The official documents of the Committee shall include the reports on its sessions, the reports of States parties, the summary records and the pre-session documents for general distribution.

XIV. Rules of procedure

Rule 54

Amendment

Text remains unchanged.

Rule 55

Suspension

Text remains unchanged.

Annex II

DRAFT AMENDMENT TO THE GUIDELINES REGARDING THE FORM AND CONTENTS OF INITIAL REPORTS OF STATES PARTIES

1. Same text as CEDAW/C/7, paragraph 1.

2. Same text as CEDAW/C/7, paragraph 2.

3. The text should read:

The report should be in two parts. Part I should be prepared in accordance with the consolidated guidelines for the initial part of the reports of States parties to be submitted under the various international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, as contained in the annex to document HRI/CORE/1.

4. Same text as CEDAW/C/7, paragraph 4.

5. Replace the second sentence by the following text:

In particular, data should be provided on maternal mortality, fertility rates, percentage of population under 15 and over 65, percentage of population in rural and urban areas, and percentage of households headed by women. As far as possible, States parties should make efforts to provide all data disaggregated by sex.

6. Replace the second sentence by the following text:

It should be noted, however, that, for reasons of expense, those texts will not normally be reproduced for general distribution with the report except to the extent that the reporting State specifically so requests. It is desirable that, when a text is not actually quoted in or annexed to the report, the report should contain sufficient information to be understood without reference to that text.

7. Same text as CEDAW/C/7, paragraph 7.

8. Same text as CEDAW/C/7, paragraph 8.

8 bis. Insert a new paragraph 8 bis, reading:

The Committee will welcome at any time information on any significant new development in regard to the rights referred to in the Convention, but in any event it intends, after the completion of the consideration of each State's initial report and of any additional information submitted, to call for subsequent reports under article 18 of the Convention. The aim of such further reports will be to bring the situation up to date in respect of each State.

9. Insert a new paragraph 9, reading:

(a) Each State party that has entered substantive reservations to the Convention should include information on them in each of its periodic reports;

(b) In reporting on reservations, the State party should indicate why it considered the reservation to be necessary and whether reservations the State party may or may not have entered on obligations with regard to the same rights in other conventions are consistent with the reservations to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the precise effect of the reservation in terms of national law and policy. It should indicate the plans that it has to limit the effect of reservations and ultimately withdraw them and, whenever possible, specify a timetable for withdrawing them;

(c) States parties which have entered general reservations do not refer to a specific article of the Convention or reservations to articles 2 and 3 should make a particular effort to report on the effect and interpretation of those reservations. The Committee considers such reservations to be incompatible with the object and purpose of the Convention.

10. Same text as CEDAW/C/7, paragraph 9.

Annex III

INFORMATION ON RESERVATIONS

Table 1. Number of reservations entered

(as at 1 September 1994)

	CEDAW	CERD	CESCR	CCPR	CAT	CRC
General reservations	4	3	-		-	11
Reservations to core articles	(Articles 1-3) 8	(Articles 1-3) 3	(Articles 1-5) 1	(Articles 1-5) 4	(Articles 1-3) -	(Articles 1-3) 4
Substantive articles	(Articles 4-16) 77	(Article 4-16) 9	(Articles 6-15) 25	(Articles 6-27) 80	(Articles 4-16) 1	(Articles 4-41) 63
Total, substantive reservations	89	15	26	84	1	78
Dispute settlement and implementation mechanisms	(Article 29) 27	(Article 22) 20	(Article 26) -	(Article 50) -	(Articles 17-33) 21	-
Total reservations	116	35	26	84	22	78

CEDAW = Convention on the Elimination of All Forms of Discrimination against Women

CERD = International Convention on the Elimination of All Forms of Racial Discrimination

CESCR = International Covenant on Economic, Social and Cultural Rights

CCPR = International Covenant on Civil and Political Rights

CAT = Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CRC = Convention on the Rights of the Child

Table 2. Number of reservations withdrawn

(as at 1 September 1994)

	CEDAW	CERD	CESCR	CCPR	CAT	CRC
General reservations	1	-	-	-	-	-
Core articles	-	2	-	1	2	-
Substantive articles	13	1	2	11	-	-
Total, substantive reservations withdrawn	14	3	2	12	2	-
Dispute settlement and implementation mechanisms	8	7	1	1	10	-
Total reservations withdrawn	22	10	3	13	12	-

Table 3. Number of States which have entered reservations a/

(as at 1 September 1994)

	CEDAW	CERD	CESCR	CCPR	CAT	CRC
General reservations	4	3	-	-	-	11
Reservations to core articles	6	1	1	3		4
Substantive articles	27	4	14	24	1	30
Subtotal	29	6	15	24	1	35
Dispute settlement and implementation mechanisms	27	20	-	-	14	-
Total	41	25	15	24	15	35
Number of States parties	135	139	129	127	82	161

a/ Some States have filed more than one category of reservation.

Table 4. Number of States which have withdrawn reservations a/

(as at 1 September 1994)

	CEDAW	CERD	CESCR	CCPR	CAT	CRC
General reservations	1	-	-	-	-	-
Reservations to core articles	-	1	-	1	1	-
Substantive articles	6	1	2	4	-	-
Subtotal	7	1	2	4	1	-
Dispute settlement and implementation mechanisms	8	7	1	1	8	-
Total	14	8	3	4	8	-

a/ Some States have filed more than one category of reservation.

Table 5. States parties which have entered and withdrawn reservations, as a percentage of all States parties

(as at 1 September 1994)

	CEDAW	CERD	CESCR	CCPR	CAT	CRC
States that entered general and substantive reservations	21.5	4.3	11.6	18.9	1.2	21.7
States that entered reservations a/	30.4	18.0	11.6	18.9	18.3	21.7
States that withdrew general and substantive reservations	5.2	0.7	1.6	3.1	1.2	-
States that withdrew reservations a/	10.4	5.7	2.3	3.1	9.8	-

a/ Including dispute settlement.

Annex IV

REPORTS OF STATES PARTIES WHICH HAVE BEEN SUBMITTED BUT NOT YET CONSIDERED BY THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN*

(in order of receipt)

State party	Date due	Date received	Document number
A. Initial reports			
Paraguay	6 May 1988	4 June 1992	CEDAW/C/PAR/1-2
Ethiopia	10 October 1982	22 April 1993	CEDAW/C/ETH/1-3
Iceland	18 July 1986	5 May 1993	CEDAW/C/ICE/1-2
Slovenia	5 August 1993	23 November 1993	CEDAW/C/SVN/1
Israel	2 November 1992	12 January 1994	CEDAW/C/ISR/1
Cyprus	22 August 1986	2 February 1994	CEDAW/C/CYP/1-2
Zaire	16 November 1987	1 March 1994	CEDAW/C/ZAR/1
B. Second periodic reports			
Cuba	3 September 1986	13 March 1992	CEDAW/C/CUB/2-3
Paraguay	6 May 1992	4 June 1992	CEDAW/C/PAR/1-2
Belgium	9 August 1990	9 February 1993	CEDAW/C/BEL/2
Ethiopia	10 October 1986	22 April 1993	CEDAW/C/ETH/1-3
Dominican Republic	2 October 1987	26 April 1993	CEDAW/C/DOM/2-3
Iceland	18 July 1990	5 May 1993	CEDAW/C/ICE/1-2
Equatorial Guinea	22 November 1989	6 January 1994	CEDAW/C/GNQ/2-3
Cyprus	22 August 1990	2 February 1994	CEDAW/C/CYP/1-2
Turkey	19 January 1991	7 February 1994	CEDAW/C/TUR/2
Italy	10 July 1990	1 March 1994	CEDAW/C/ITA/2
Bulgaria	10 March 1987	6 September 1994	CEDAW/C/BGR/2-3

* Only reports received prior to 30 September 1994 have been listed.

State party	Date due	Date received	Document number
	C. Third periodic reports		
Hungary	3 September 1990	4 April 1991	CEDAW/C/HUN/3
Ukraine	3 September 1990	31 May 1991	CEDAW/C/UKR/3
Cuba	3 September 1990	3 March 1992	CEDAW/C/CUB/2-3
Canada	9 January 1991	9 September 1992	CEDAW/C/CAN/3
Mexico	3 September 1990	1 December 1992	CEDAW/C/MEX/3
Philippines	4 September 1990	20 January 1993	CEDAW/C/PHI/3
Bangladesh	6 December 1993	26 January 1993	CEDAW/C/BDG/3
Ethiopia	10 October 1990	22 April 1993	CEDAW/C/ETH/1-3
Dominican Republic	2 October 1991	26 April 1993	CEDAW/C/DOM/2-3
Denmark	21 May 1992	7 May 1993	CEDAW/C/DEN/3
Belarus	3 September 1990	1 July 1993	CEDAW/C/BLR/3
Equatorial Guinea	22 November 1993	6 January 1994	CEDAW/C/GNQ/2-3
Bulgaria	10 March 1991	6 September 1994	CEDAW/C/BGR/2-3
Republic of Korea	26 January 1994	8 September 1994	CEDAW/C/KOR/3

Annex V

PROVISIONAL AGENDA FOR THE FIFTEENTH SESSION OF THE COMMITTEE

1. Opening of the session.

2. Adoption of the agenda and organization of work.

3. Report of the Chairperson on the activities undertaken during the year.

4. Consideration of reports submitted by States parties under article 18 of the Convention.

   Documentation

   Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention

   Report of States parties to be considered at the fifteenth session

5. Implementation of article 21 of the Convention.

   Documentation

   Note by the Secretary-General on reports provided by specialized agencies

   Report of the Secretariat on analysis of article 4 of the Convention

   Report of the Secretariat on the implications for the work of the Committee of the priority themes of the Commission on the Status of Women

6. Ways and means of expediting the work of the Committee.

   Documentation

   Report of the Secretariat on ways and means of expediting the work of the Committee

7. Results of the Fourth World Conference on Women.

8. Provisional agenda for the sixteenth session.

9. Adoption of the report of the Committee on its fifteenth session.